



State of Arizona

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Governor

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Statement by Governor Brewer *Medical Marijuana*

"The State of Arizona will not re-file in federal court a lawsuit that sought clarification that State employees would not be subject to federal criminal prosecution simply for implementing the Arizona Medical Marijuana Act (AMMA). Instead, I have directed the Arizona Department of Health Services to begin accepting and processing dispensary applications, and issuing licenses for those facilities once a pending legal challenge to the Department's medical marijuana rules is resolved.

"I also have sent a letter to Ann Birmingham Scheel, Acting U.S. Attorney for Arizona, notifying her of the State's action at this time and – once again – seeking assurance and clarification as to the federal government's position regarding State employee participation in the licensing or regulation of medical marijuana dispensaries.

"It is well-known that I did not support passage of Proposition 203, and I remain concerned about potential abuses of the law. But the State's legal challenge was based on my legitimate concern that state employees may find themselves at risk of federal prosecution for their role in administering dispensary licenses under this law. Last week, to my great disappointment, the U.S. District Court of Arizona dismissed the State's lawsuit on procedural grounds and refused to provide clarity on the likely conflict between Proposition 203 and federal drug law.

"Remember how we got to this point. The State of Arizona was fully implementing the provisions of Proposition 203 last spring. That's when Arizona was among a host of states that received letters from the U.S. Department of Justice threatening potential legal ramifications for any individual participating in a medical marijuana program, even in states where it had been legally approved. Specifically, the Arizona letter – dated May 2, 2011 – warned that 'growing, distributing and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws that purport to permit such activities.'

"Would state employees at the Department of Health Services, charged with administering and licensing marijuana dispensaries, face federal prosecution? This was the basis for calling a 'time out' in order for the State to seek a straightforward answer from the court. With our request for clarification rebuffed on procedural grounds by the federal court, I believe the best course of action now is to complete the implementation of Proposition 203 in accordance with the law.

"Know this: I won't hesitate to halt State involvement in the AMMA if I receive indication that State employees face prosecution due to their duties in administering this law."

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